IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 25688 of 2005

Dated 5th June, 2006.

Between

Andhra Pradesh Medical Employees Union,

Government General Hospital Branch, at Vijayawada, rep

By its President P.Goutham Reddy

…Petitioner

and

The Superintendent, Government General Hospital, Vijayawada

…Respondent

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 25688 of 2005

ORDER:

The petitioner, Medical Employees Union in the Government General Hospital Branch, at Vijayawada,, has filed this Writ Petition questioning the order dated 7-10-2005 passed by the respondent. By the impugned order, the respondent has decided to collect Rs.3000/- per month towards rent for the premises, which is in occupation of the petitioner-Union, which is running a canteen in the said premises.

At the request of the petitioner-Union, space was provided in the hospital, adjoining to Pediatric OP to erect structures on its own for running canteen to supply eatables to the employees of the hospital.

The amount of Rs.3000/- for the use of the said premises is sought to be collected only with a view to improve the funds of the Hospital Development Society. It is the case of the petitioner that the petitioner-union is running the said canteen by erecting temporary structures for the benefit of the employees without any profit motive and there is no valid reason for collecting Rs.3000/- per month from the petitioner-Union. It is also stated that similar such facility is also extended to the doctors and they are not being charged with any rent.

On the other hand, it is submitted by the learned Counsel for the respondent that though the petitioner-Union was granted permission to run canteen to the benefit of employees without charging any rent, but however, the petitioner-union is allowing outsiders and offering services on commercial lines; as such rent is being charged.

From a perusal of the impugned order, there is no indication that the petitioner is using the premises by allowing the outsiders. The only reason given in the impugned order is that rent is being charged only to improve the funds of the hospital development society. However, the said order is not preceded by any notice or opportunity to the petitioner-Union. Impugned order is sought to be supported only by making allegation that the petitioner-Union is permitting outsiders and running the said canteen on commercial lines. As much as there was no opportunity and no valid reasons are assigned in the impugned order, I set aside impugned order dated 7-10-2005 passed in proceedings Rc.No.SPL/A7/2005 by the respondent. However, it is made clear that if the petitioner-Union is allowing the outsiders and running the canteen on commercial lines, it is open for the respondent to issue notice and pass appropriate orders after conducting necessary enquiry.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

JUSTICE R. SUBHASH REDDY

Dated 5th June, 2006.

Msnr.